

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

BEVERLY HARPER,	:	
	:	
Plaintiff,	:	
vs.	:	CIVIL NO. 05-4943
	:	
JO ANNE B. BARNHART,	:	
Commissioner of the	:	
Social Security Administration,	:	
	:	
Defendant.	:	
	:	

ORDER

AND NOW, this 2nd day of November, 2006, after careful review and independent consideration of the parties' cross-motions for summary judgment, Plaintiff's reply brief, the administrative record, and upon review of the Report and Recommendation of Carol Sandra Moore Wells, U.S. Magistrate Judge, and no objections being filed thereto, it is hereby

ORDERED, that the Report and Recommendation is **ADOPTED** and **APPROVED**; it is further

ORDERED, that the Commissioner's Motion for Summary Judgment is **DENIED**; it is further

ORDERED, that Plaintiff's Motion for Summary Judgment is **GRANTED IN PART** and **DENIED IN PART**; and it is further

ORDERED, that the matter is **REMANDED** to the Commissioner of the Social Security Administration, so that the Administrative Law Judge ("ALJ") can conduct additional proceedings consistent with Judge Wells's Report and Recommendation.

Upon remand the ALJ should:

- (a) consider the new evidence presented by the Plaintiff;
- (b) in light of any new determinations, reassess the severity of Plaintiff's neck and knee impairments, from Step Two forward, giving proper consideration and appropriate weight to the new reports and fully explaining determinations made at each step;
- (c) reassess and fully explain whether or not Plaintiff's impairments meet or equal a Listing;
- (d) reevaluate Plaintiff's RFC;
- (e) reassess her credibility; and
- (f) submit a new complete and accurate hypothetical question to a vocational expert to determine if work exists that Plaintiff can perform, notwithstanding all of her credible limitations.

The Clerk is directed to **CLOSE** this case.

BY THE COURT:

/s/ **Cynthia M. Rufe**

CYNTHIA M. RUGE, J.